

## **BILL ANALYSIS**

Senate Research Center

H.B. 2660  
By: Swinford (Ogden)  
Natural Resources  
6/23/1999  
Enrolled

### **DIGEST**

Currently, Texas law requires the division of emergency management of the office of the governor to coordinate a state drought response plan. The number and severity of droughts in recent years may warrant the development of a plan that focuses on risk management, in addition to this plan, which focuses on drought crisis management. H.B. 2660 will amend the drought response plan to specify a state drought manager and make other organizational and procedural changes.

### **PURPOSE**

As enrolled, H.B. 2660 sets forth provisions regarding a drought response plan and a state drought manager.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 15.4061(h), Water Code, to require the Texas Water Development Board (TWDB) to require that regional water plans developed or revised under contracts entered into under this section be made available to the Department of Agriculture (DAG).

SECTION 2. Amends Section 15.7031(c), Water Code, to authorize DAG to provide input to the Texas Natural Resource Conservation Commission (TNRCC), as appropriate, during the review and approval process for dedication of water rights, in addition.

SECTION 3. Amends Sections 16.012(c) and (j), Water Code, as follows:

(c) Authorizes DAG to provide advice to the executive administrator, where appropriate, regarding any of the duties to be performed under Subsection (b), in addition.

(j) Requires TNRCC, in coordination with the Texas Parks and Wildlife Department (TPWD) and with input from DAG, where appropriate, to determine the potential impact of reusing municipal and industrial effluent on existing water rights, instream uses, and freshwater inflows to bays and estuaries, within 90 days.

SECTION 4. Amends Section 16.051(d), Water Code, to authorize TWDB, in coordination with TNRCC, DAG, and TPWD to adopt by rule guidance principles for the state water plan. Requires TWDB to review and update the guidance principles, with input from TNRCC, DAG, and TPWD, as necessary, but at least every five years to coincide with the five-year cycle for adoption of a new water plan as described in Subsection (a).

SECTION 5. Amends Section 16.053(c), Water Code, to authorize the initial coordinating body to then designate additional representatives to serve on the regional water planning group. Requires the initial coordinating body to designate additional representatives if necessary to ensure adequate representation from the interests comprising that region. Requires the regional water planning group to maintain adequate representation from those interests. Requires representatives of TWDB,

TPWD, and DAG to serve as ex officio members of each regional water planning group, in addition.

SECTION 6. Amends Section 16.054(a), Water Code, to authorize DAG to provide input and assistance, as appropriate, for such planning, in addition.

SECTION 7. Amends Section 16.055, Water Code, to provide that the coordinator of the division of emergency management of the office of the governor is the state drought manager. Provides that the state drought manager is responsible for managing and coordinating the drought response component of the state water plan. Provides that the drought preparedness council (council), rather than the response and monitoring committee, is created and shall meet as necessary to carry out the provisions of this section. Sets forth composition of the council, including the Texas Department of Housing and Community Affairs; the Texas Forest Service; the Texas Department of Transportation; the Texas Department of Economic Development; and a representative of groundwater management interests who is appointed by the governor. Authorizes the governor to designate any other person or a representative of any other entity to serve on the council. Requires the state drought manager, rather than the representative of the division of emergency management, to serve as chair of the council. Requires the council to be responsible for reporting to the legislature, no later than January 15 of each odd-numbered year, regarding significant drought conditions in the state. Requires the council to consider certain factors, in performing its duties under this section. Sets forth requirements for a county upon the declaration of a state disaster in a county due to drought conditions. Requires the person or entity to immediately implement the person's or entity's water conservation plan or drought contingency plan, on receipt of the notice under Subsection (g)(2)(B). Provides that nothing in this section prevents a political subdivision or a person or entity required to develop a water conservation plan under Section 11.1271 or a drought contingency plan under Section 11.1272 from implementing water conservation measures. Makes conforming changes.

SECTION 8. Amends Chapter 16C, Water Code, by adding Section 16.0551, as follows:

Sec. 16.0551. STATE DROUGHT PREPAREDNESS PLAN. Requires the council to develop and implement a comprehensive state drought preparedness plan for mitigating the effects of drought in the state and to periodically update the plan. Requires the plan to be separate from the state water plan. Sets forth requirements for the plan. Requires the plan state drought manager to use existing resources to develop an information and communications network to forecast and inform interested parties and the public of the potential for drought, including programs and staff of state agencies and other political subdivisions and of state institutions of higher education.

SECTION 9. Amends Section 17.895, Water Code, by adding Subsection (d), to authorize TWDB or lender districts to seek the advice of DAG regarding the feasibility of a project for which a conservation loan is sought, for purposes of this section.

SECTION 10. Amends Section 26.121(a), Water Code, to provide that no person may commit any other act or engage in any other activity unless the activity is under the jurisdiction of DAG, in which case this subdivision does not apply, except as authorized by TNRCC.

SECTION 11. Amends Section 26.127, Water Code, to authorize the executive director, on behalf of and with the consent of TNRCC, to enter into contracts or other agreements with DAG for purposes of obtaining laboratory services for water quality testing. Makes a conforming change.

SECTION 12. Amends Section 35.007(e), Water Code, to authorize DAG to also provide input to the executive director for purposes of the report.

SECTION 13. Amends Section 35.012(d), Water Code, to make a conforming change.

SECTION 14. Amends Section 35.013(d), Water Code, to authorize TWDB to request, with the cooperation and assistance of DAG and other state agencies. Makes a conforming change.

SECTION 15. Emergency clause.  
Effective date: upon passage.